

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendment and following discussion, is respectfully requested.

Claims 16-26, 28-38, and 40-45 are pending. Claims 44 and 45 are newly added. Claims 27 and 39 are canceled by the present amendment. Claims 1-15 were canceled previously. Claims 16, 28, 31, 36, 40, 42, and 43 are amended. Support for the amendment to Claim 16 can be found in now-canceled dependent Claim 27 inasmuch as independent Claim 16 is amended in view of allowable subject matter. Support for the amendments to Claims 28 and 42 is self-evident in view of the amendment to Claim 16. Support for the amendment to Claim 31 can be found in now-canceled dependent Claim 39 inasmuch as Claim 31 is amended in view of the indication of allowable subject matter. Support for the amendment to Claim 36 can be found in Fig. 1, for example. Support for the amendments to Claims 40 and 43 is self-evident in view of the amendment to independent Claim 31. Support for newly added independent Claims 44 and 45 can be found in Claims 16 and 31, respectively, and further in the published application in numbered paragraph [0026], for example. No new matter is added.

In the outstanding Office Action, Claims 31, 36, 38-41, and 43 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 16-26 and 31-38 were rejected under 35 U.S.C. § 103(a) as obvious over Aron (French Patent No. FR 2,663,189, herein "Aron") in view of one or more of Reynolds (U.S. Patent No. 3,141,284, herein "Reynolds"), Jennings (U.S. Patent No. 4,738,092, herein "Jennings '092"), Jennings (U.S. Patent No. 5,231,826, herein "Jennings '826"), MacMaster et al. (U.S. Patent No. 4,748,803, herein "MacMaster"), Ehrhart (U.S. Patent No. 4,793,125, herein "Ehrhart '125"), Ehrhart (U.S. Patent No. 4,793,129, herein "Ehrhart '129"), Leshner et al. (U.S. Patent No. 5,203,154, herein "Leshner"), Baril et al. (U.S. Patent No. 5,272,860, herein "Baril"), Sudbrack et al. (U.S. Patent No.

5,301,496, herein "Sudbrack"), Delperdang et al. (U.S. Patent No. 5,450,717, herein "Delperdang '717"), Delperdang (U.S. Patent No. 5,507,139, herein "Delperdang '139"), and/or van der Lely et al. (U.S. Patent No. 6,164,051, herein "van der Lely"). Claims 16-26 and 31-38 were rejected under 35 U.S.C. § 103(a) as obvious over either of Ender et al. (U.S. Patent No. 3,714,766, herein "Ender") and Dow et al. (U.S. Patent No. 6,205,757, herein "Dow") in combination with Aron. Claims 27-29 and 39-43 were indicated as reciting allowable subject matter.

Applicants note with appreciation the indication that Claims 27-29 and 39-43 recite allowable subject matter.

Regarding the rejection of Claims 31, 36, 38-41, and 43 as indefinite, that rejection is respectfully traversed by the present response.

Independent Claim 31 is amended to recite "a strip of land" rather than "the strip of land." Accordingly, Applicants respectfully submit that the rejection of independent Claim 31 and the claims depending therefrom as indefinite is overcome.

Regarding the rejection of Claim 36 for reciting "an inner end," that rejection is respectfully traversed. Claim 36 is amended to recite "the inner end of the first pick-up" and "the inner end of the second pick-up." Accordingly, the "inner end" in dependent Claim 36 refers to the inner ends of the pick-ups recited in independent Claim 16 and not to inner ends of the first and second gathering devices. Accordingly, Applicants respectfully submit that the rejection of Claim 36 as indefinite is overcome.

Regarding the rejection of Claims 16-26 and 31-38 as obvious over Aron, that rejection is respectfully traversed by the present response.

Independent Claim 16 has been amended to recite all of the features of now-canceled dependent Claim 27, which was indicated in the outstanding Office Action as reciting allowable subject matter. Additionally, independent Claim 31 has been amended to recite all

of the features of now-canceled dependent Claim 39, which was indicated in the outstanding Office Action as reciting allowable subject matter. Accordingly, Applicants respectfully submit that amended independent Claims 16 and 31, are now in condition for allowance, and Notice of Allowance for Claims 16 and 31 and the claims depending therefrom is earnestly solicited.

Newly added independent Claims 44 and 45 recite all of the features of the previous version of independent Claims 16 and 31, respectively and additionally recite that **the first swathing device and the second swathing device move in the same direction and deposit the product in the form of a single lateral swath.**

In contrast, Aron describes two raking wheels (12, 13) that move material from lateral sides of the machine described in Aron toward **a center to form a central swath** as shown by the arrows (C) and (D) in Figs. 1, 3, and 6. Aron does not move material with both rakes (12, 13) in the same direction in order to form a single **lateral** swath. Indeed, as both raking wheels (12, 13) are disposed slightly offset from a central beam (1) of the machine described in Aron, no hand-off from one wheel to the other wheel can occur. Moreover, as the object of Aron is to create a central windrow, modification of Aron to instead create a lateral windrow would render Aron unsuitable for its intended use or at least change the principle of operation of Aron.¹ Accordingly, Applicants respectfully submit that no reasonable combination of Aron in view of Reynolds, Jennings '092, Jennings '826, MacMaster '803, Ehrhart '125, Ehrhart '129, Leshner, Baril, Sudbrack, Delperdang '139 and van der Lely would include all of the features recited in either of newly added independent Claims 44 and 45.

Additionally, Applicants respectfully submit that, as Aron requires a central windrow to be formed, a person of ordinary skill in the art would not have been led, at the time the claimed invention was made, to modify either of Ender and Dow to include the separation

¹ MPEP § 2143.01 states: If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

device (36) described in Aron. Rather, a person of ordinary skill in the art reading Aron would understand that the device (36) provided in Aron is included in Aron because Aron forms a **central** windrow. If not for the device (36) described in Aron, material laying on the ground in the central strip by the supporting structure (1) described in Aron would be covered by the central windrow formed by the spinning action of the raking wheels (12, 13) shown by arrows (C) and (D).

It will be understood that, with an ordinary machine of Aron's configuration, the products already present on the central strip of land are not displaced. Because of this lack of displacement, the products are not exposed to drying air, and they are instead covered by the windrowed products. These products in the central strip of land therefore dry less rapidly and, because they lie more or less flat on the soil, they are difficult to collect with a pick-up machine during the harvest.

To remedy these disadvantages, Aron provides, in front of the zone situated between the two raking wheels (12, 13), the supplementary device (36) for displacing the products. This supplementary device can be composed of a substantially horizontal rotor (Fig. 1) or two rotors driven around upwardly directed spindles (Fig. 3) or two disks (Fig. 6) or even two drums (Fig. 8). These components displace the products disposed on the central strip and thus **prevent them from being covered by the window**.

The arrangement described in Aron is therefore specific to machines with windrowing rotors that turn in opposite directions for the purpose of forming a **central** windrow between the said rotors.

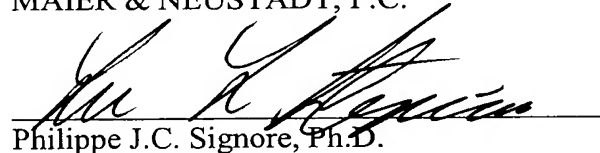
Newly added independent Claims 44 and 45 recite that the first swathing device and second swathing device are driven so that they move in the same direction and they deposit all the products in the form of a single lateral swath positioned beside the machine with respect to the direction of travel. Accordingly, a person of ordinary skill in the art reading

Aron would not have been led to combine the teachings of Aron with any of the other cited references to produce a machine including all of the features of either of newly added independent Claims 44 and 45. Accordingly, Applicants respectfully submit that newly added independent Claims 44 and 45 patentably distinguish over any proper combination of the cited references for at least the reasons discussed above.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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